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Attorneys for Defendant  
SIMMONS BEDDING COMPANY  
and Defendant and Counterclaimant DREAMWELL, LTD.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ZINUS, INC. a California Corporation,

Plaintiff,

v.

SIMMONS BEDDING COMPANY, a  
Delaware corporation, and DREAMWELL,  
LTD., a limited liability company of  
Nevada,

Defendants.

AND RELATED COUNTERCLAIMS

Case No. 07-CV-03012-PVT

**DEFENDANTS' CONSENT TO PROCEED  
BEFORE A MAGISTRATE JUDGE**

In accordance with the provisions of Title 28, U.S.C. Section 636(c), defendant Simmons Bedding Company and defendant and counterclaimant Dreamwell, Ltd. hereby voluntarily consent to have a United States Magistrate Judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment. Appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

1 Dated: September 5, 2007

**PERKINS COIE LLP**

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3 By:                     /s/                      
4 Kenneth B. Wilson

5 Attorneys for Defendant  
6 SIMMONS BEDDING COMPANY  
7 and Defendant and Counterclaimant  
8 DREAMWELL, LTD.  
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